

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Robert Scurry,)	C/A No. 3:13-2808-JFA-PJG
)	
Plaintiff,)	
)	
v.)	ORDER
)	
The Lutheran Homes of South Carolina, Inc.,)	
<i>d/b/a Heritage at Lowman Lutheran Homes of</i>)	
<i>S.C.</i> ; The South Carolina Synod of the)	
Evangelical Lutheran Church in America, Inc.,)	
)	
Defendants.)	
)	

This employment discrimination matter is before the court pursuant to 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.) for a Report and Recommendation on the defendants' motion for summary judgment. In their memoranda, the parties address the McDonnell Douglas burden shifting framework; however, neither side addresses the alleged statements made by witness Dee Longno to the plaintiff as potential direct evidence of discriminatory animus. See, e.g., Hill v. Lockheed Martin Logistics Mgmt., Inc., 354 F.3d 277, 284-86 (4th Cir. 2004) (*en banc*).

The court therefore will hear oral argument on the defendants' motion for summary judgment on Friday, May 1 at 10:00 a.m. While counsel should focus their preparation on the specific issue described above, they should be prepared to address all issues discussed in the parties' memoranda and any other issues that will aid in the efficient progression of this case.

Further, no later than 5:00 p.m. on Tuesday, April 28:

- (1) defense counsel is directed to file with the court certain attachments to exhibits filed in connection with their summary judgment memoranda that are referenced but not included in their filings with the court, specifically Exhibits B, C, and D to the Affidavit of Nell "Dee" Longno;

- (2) plaintiff's counsel is directed to file the portions of the plaintiff's deposition that support the plaintiff's version of his meeting with witness Dee Longno, if any.

IT IS SO ORDERED.



Paige J. Gossett

UNITED STATES MAGISTRATE JUDGE

April 24, 2015
Columbia, South Carolina